## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| TIMOTHY COOLEEN,      | )                           |
|-----------------------|-----------------------------|
| Plaintiff,            |                             |
| v.                    | Civil Action No. 04-63 Erie |
| JOHN LAMANNA, et al., |                             |
| Defendants.           | }                           |

## **MEMORANDUM ORDER**

Timothy Cooleen's civil rights action was received by the Clerk of Court on March 1, 2004, and was referred to the United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on August 1, 2005, [Doc. No. 70] recommended that Defendants' motion to dismiss or for summary judgment [Doc. No. 47] be granted. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. Objections were filed by Plaintiff on August 12, 2005, and a Response to the Objections were filed by the Defendants on August 19, 2005. After de novo review of the case, together with the report and recommendation, objections thereto, and response to the objections, the following order is entered:

AND NOW, this 30th day of August, 2005,

IT IS HEREBY ORDERED that the Defendants' motion to dismiss or for summary judgment [Doc. No. 47] is GRANTED.

The report and recommendation of Magistrate Judge Baxter, dated August 1, 2005, is adopted as the opinion of the Court.

The clerk is directed to mark the case closed.

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s/ Sean J. McLaughlin United States District Judge

cc: All parties of record.